

11-29-05

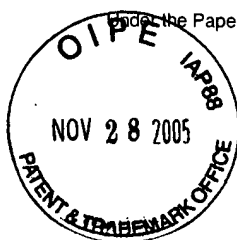
IPW RCE

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**CUSTOMER NUMBER 25268**

# **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

Application Number	10/082,805
Filing Date	February 21, 2002
First Named Inventor	Ortyn et al.
Group Art Unit	1641
Examiner Name	Gabel, Gailene
Attorney Docket No.	BIOL0038

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

  X   1. Submission required under 37 C.F.R. § 1.114

a.        Previously submitted

- i.        Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii.        Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii.        Other \_\_\_\_\_

b. Enclosed

- i.   X   Amendment/Reply
- ii.        Affidavit(s)/Declaration(s)
- iii.        Information Disclosure Statement (IDS)
- iv.        Other \_\_\_\_\_

11/29/2005 NNGUYEN1 00000070 10082805

01 EC:2801  
02 FC:2251395.00 OP  
60.00 OP

       2. Miscellaneous

- a.        Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of        months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR § 1.17(i) required)
- b.        Other \_\_\_\_\_

  X   3. Request for Extension of Time

Applicant respectfully requests that the shortened statutory period for response to the Final Office Action dated July 29, 2005, set to expire on October 29, 2005, be extended by 1 month(s) to expire on November 29, 2005. The \$60 small entity fee is enclosed herewith in the check noted below.

#### 4. Request for Constructive Petition for Extension of Time

It is requested that any concurrent or future reply submitted in the present application requiring a petition for an extension of time under 37 CFR 1.136(a)(3) for timely submission be treated as incorporating a petition for extension of time for the appropriate length of time. It is also requested that any additional required fees under § 1.17, including all required extension of time fees, be charged to Deposit Account No. 01-1940, thereby constructively petitioning for any necessary extension of time to maintain the present application in a pending state.

## X 5. Claim Status

<u>Computation of Fee For Claims as Submitted for filing in RCE</u>					
	<u>Claims Remaining after Preliminary Amendment Submitted Herewith (if any)</u>	<u>Highest Number of Claims Previously Paid For</u>	<u>Number of Extra Claims</u>	<u>Rate</u>	<u>Fees</u>
Total Claims	19	51	-0-	x \$25	\$-0-
Independent Claims	4	9	-0-	x \$100	<u>-0-</u>
EXTENSION OF TIME FEE					60
RCE FEE					395
TOTAL ADDITIONAL FEE FOR THIS RCE SUBMISSION					<u>\$ 455</u>

☒ **6. Fees** The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.

a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-1940.

- i.        RCE fee required under 37 CFR § 1.17(e)  
 ii.        Extension of time fee (37 CFR §§ 1.136 and 1.17)  
 iii.   X   Any additional required fees  
 iv.        Other \_\_\_\_\_

b. ☒ Check No. 3650 in the amount of \$455 is enclosed, which includes all the fees as noted above.

c. **Payment by credit card** (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Typed/Printed Name

Michael C. King

Registration Number: 44,832

Signature

Date: November 28, 2005

## EXPRESS MAIL CERTIFICATE

Express Mail Label No. EV538087084US

Date of Deposit: November 28, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

**Brenda Wright**

(Name of person mailing paper/fee)

Brenda Winger

(Signature of person mailing paper or fee)

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Director of the Patent and Trademark Office, Box RCE, Washington, DC 20231.**